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5 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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WALLACE JOSEPH DESMARAIS JR.,
Individually and on Behalf of All Others
Similarly Situated,

No. C 13-03666 WHA

Plaintiff,

**ORDER RE STIPULATION
TO CONSOLIDATE CASES AND
DEFER RESPONSES TO
COMPLAINTS**

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MONICA N. JOHNSON, FRED E.
DURHAM III, BRAD W. BUSS, PATRICK
J. CONNOLLY, MICHAEL DEARING,
DOUGLAS M. LEONE, BOB MARINO,
J.P. MORGAN SECURITIES LLC,
JEFFERIES & COMPANY, INC., COWEN
AND COMPANY, LLC, JANNEY
MONTGOMERY SCOTT LLC,
RAYMOND JAMES & ASSOCIATES, INC.
and CAFEPRESS INC.,

Defendants.

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The proposed joint stipulation and order for consolidation is **DENIED**. The later filed action, *Hussain Jinnah v. Cafepress Inc. et al*, Case No. 13-03668, will be related and reassigned to the undersigned judge. For the time being, the two cases will remain separate and will not be consolidated.

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Defendants need not answer or otherwise respond to plaintiffs' complaints until the motion to remand has been decided. Plaintiffs shall file their motions to remand on the following schedule:

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- Opening briefs due September 3.
- Opposition briefs due September 17.

1 • Reply briefs due September 24.
2 • Hearing at **8 AM ON OCTOBER 17.**

3 Pursuant to 15 U.S.C. 77z-1(a)(2), plaintiffs shall each file a certification by **NOON ON**
4 **AUGUST 27.** In addition, pursuant to 15 U.S.C. 77z-1(a)(3)(A), plaintiff Wallace Joseph
5 Desmarais, Jr. shall publish forthwith “in a widely circulated national business-oriented
6 publication or wire service, a notice advising members of the purported plaintiff class — (I) of
7 the pendency of the action, the claim asserted therein, and the purported class period; and (II)
8 that, not later than 60 days after the date on which the notice is published, any member of the
9 purported class may move the court to serve as lead plaintiff of the purported class.” By **NOON**
10 **ON AUGUST 29**, please file a copy of the notice of publication. The date on which the notice was
11 published should be clearly indicated.

12 At this time, there is no need to appoint lead counsel. If the cases stay in federal court, a
13 schedule will be set to address issues of consolidation and appointment of lead plaintiff.

14 All counsel must be mindful of the notice regarding factors to be evaluated for any
15 proposed class settlement. Finally, please do not ask for extensions of the above schedule.

17 **IT IS SO ORDERED.**

19 Dated: August 20, 2013.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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